

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SYDNEY BROOKE ROBERTS, et al.,
Plaintiffs,
v.
SACRAMENTO HOUSING &
REDEVELOPMENT AGENCY, et al.,
Defendants.

No. 2:22-cv-01699-DJC-AC

ORDER

Plaintiffs have filed an "Emergency Motion" before the Court seeking a stay of discovery deadlines pending review of all dispositive findings and recommendations, sanctions against Defendants for discovery violations, an order for a complete witness list, an extension of discovery and related deadlines, an evidentiary hearing, "review [of] all lodged document dump and materials[,] and an order reassigning this action under 28 U.S.C. § 455. (Mot. (ECF No. 119).) The Motion covers a number of unrelated grievances with Defendants' conduct during discovery and the procedural management of this case. The Motion is effectively multiple separate motions combined into a single motion. These individual motions that are either not properly before the undersigned or seek reconsideration of prior orders without stating a valid basis for reconsideration. For these reasons and the reasons stated below, these motions and Plaintiffs' Motion as a whole is denied.

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I. Motions That Must Be Brought Before the Magistrate Judge

Plaintiffs' Motion contains a number of requests for relief that must be brought before the Magistrate Judge. Pursuant to Local Rule 302(c)(21), this action, including dispositive and non-dispositive motions, is referred to the Magistrate Judge Allison Claire. As such, these requests cannot properly be brought before the undersigned. Specifically, Plaintiffs seek a stay of discovery obligations, extension of discovery deadlines, an order directing the disclosure of a complete witness list, an order sanctioning Defendants, an evidentiary hearing on discovery issues, and a court review of discovery documents. Pursuant to Local Rule 302(c)(21), these requests must be brought before the assigned Magistrate Judge. As such, these portions of Plaintiffs' Motion are denied.

Plaintiffs also contends that the scheduling of the "Rule 37" hearing after the discovery deadline is a violation of the Local Rules and the scheduling order. The Court notes that where a motion to compel is scheduled to be heard after the discovery deadline the Magistrate Judge still has the ability to order all appropriate discovery remedies, including an extension of discovery deadlines, if so warranted. More importantly though, this Motion also must be noticed before Judge Claire. See to Local Rule 302(c)(21). As such, this Motion is denied as improperly noticed before the undersigned.

II. Motions for Reconsideration

Two parts of Plaintiffs' Motion are better construed as a Motion for Reconsideration given they seek review of rulings already made by the Magistrate Judge. Plaintiffs first argue that Judge Claire "repeatedly treated dispositive motions . . . as non-dispositive." (Mot. at 5.) Plaintiffs do not provide any specificity as to what motions they believe were treated improperly. Looking at the docket does not provide any further clarity. Judge Claire has treated motions as dispositive and issued Findings and Recommendations where appropriate including when dismissing defendants, dismissing claims, denying motions for temporary restraining order,

1 ruling on summary judgment motions, and in other potentially dispositive postures.
2 (ECF Nos. 27, 36, 60, 76, 111.) The other orders issued by Judge Claire are not
3 dispositive and address motions for appointment of counsel (ECF No. 55), discovery
4 related motions (ECF Nos. 75, 88, 106, 110), motions to amend (ECF Nos. 9, 36), and
5 two denials, without prejudice, of motions for summary judgment as premature and
6 procedurally improper (ECF Nos. 40, 42). As far as the Court can discern, no
7 dispositive motions have been improperly treated as non-dispositive. Accordingly,
8 Plaintiffs' Motion on this basis is denied for failure to identify a valid basis for
9 reconsideration. See Local Rule 230(j); Fed. R. Civ. P. 60(b).

10 Plaintiff also seeks reconsideration of Judge Claire's orders on electronic filing
11 and expedited scheduling. (Mot. at 5.) Plaintiff suggests that Judge Claire failed to
12 "accommodate" pro se litigants, but Plaintiffs are not entitled to access to electronic
13 filing or expediting scheduling by virtue of their pro se status. The fact that other,
14 unrelated requests by Defendants have been granted is not relevant to whether
15 reconsideration is warrant. Plaintiff has not identified a valid basis for reconsideration.
16 See Local Rule 230(j); Fed. R. Civ. P. 60(b). As such, reconsideration on this basis is
17 also denied.

18 **III. Disqualification under 28 U.S.C. § 455**

19 In their conclusion, Plaintiffs request that this court "consider reassignment
20 under 28 U.S.C. § 455 if fairness is compromised[.]" (Mot. at 8.) It is not clear from
21 Plaintiffs' Motion if this is intended to be a request for the undersigned to disqualify
22 himself or for this Court to disqualify the assigned Magistrate Judge. If the former was
23 Plaintiffs' intent, that request is denied; Plaintiffs have not identified any reason why
24 disqualification is necessary under section 455. If Plaintiffs intended to seek the
25 disqualification of Judge Claire, that request is also denied. Not only have Plaintiffs
26 not identified a valid basis for disqualification, section 455 provides for self-
27 disqualification and does not provide a means for the undersigned to disqualify a
28 Magistrate Judge in the first instance. *United States v. Studley*, 783 F.2d 934, 940 (9th

1 Cir. 1986) (“We have held repeatedly that the challenged judge himself should rule on
2 the legal sufficiency of a recusal motion in the first instance.” (internal citations
3 omitted)). Accordingly, Plaintiffs’ request for disqualification under 28 U.S.C. § 455 is
4 denied.

5 **IV. Conclusion**

6 Accordingly, Plaintiff’s Emergency Motion for District Judge review, Stay of
7 Depositions, Sanctions, Extension of Deadlines, and Evidentiary Hearing (ECF No.
8 119) is DENIED. This matter is referred back to the assigned Magistrate Judge for all
9 further proceedings with the exception of the Findings and Recommendations at ECF
10 No. 111 which are separately before this Court.

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12 IT IS SO ORDERED.

13 Dated: **June 4, 2025**


14 Hon. Daniel J. Calabretta
15 UNITED STATES DISTRICT JUDGE
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